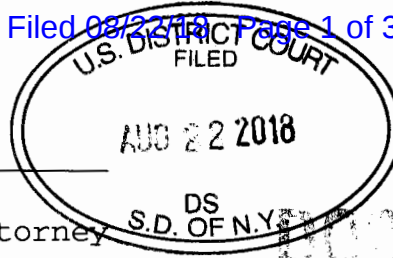


ORIGINAL



Approved: Daniel G. Nessim  
DANIEL G. NESSIM  
Assistant United States Attorney

Before: THE HONORABLE ROBERT W. LEHRBURGER  
United States Magistrate Judge  
Southern District of New York

18 MAG 7297

- - - - - X

UNITED STATES OF AMERICA

: SEALED COMPLAINT

- v. -

: Violation of  
18 U.S.C. §§ 922(g)(1)  
and 2

MARCOS BARETT,

Defendant.

: COUNTY OF OFFENSE:  
BRONX

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JAMA JOSEPH, being duly sworn, deposes and says that she is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Felon in Possession of a Firearm)

1. On or about June 16, 2018, in the Southern District of New York and elsewhere, MARCOS BARETT, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, to wit, a 9 millimeter Colt semiautomatic pistol, which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Detective with the NYPD and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports and records. Because this affidavit is being submitted

for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my conversations with two NYPD officers ("PO-1," "PO-2," and, collectively, the "Officers") involved in the arrest of MARCOS BARETT, the defendant, I have learned the following, among other things:

a. On or about June 16, 2018, at approximately 6:20 a.m., the Officers were on patrol in a marked police car in the Bronx, New York.

b. At approximately 6:20 a.m., the Officers received a Shot Spotter<sup>1</sup> alert (the "Alert") coming from the block of Fenton Avenue between Hicks Street and Boston Road. At the time of the Alert, the Officers were just a few blocks away from the area identified by the Alert. As a result, the Officers rushed to the scene, arriving approximately one minute after receiving the Alert.

c. When the Officers turned on to Fenton Road, they observed a vehicle (the "Vehicle") in the middle of the street. The Vehicle was at an angle to the curb, appearing as if the driver of the Vehicle was attempting to make a three-point turn. The Officers observed an individual later identified as BARETT quickly enter the Vehicle and sit in the front passenger seat.

d. As the Officers approached the Vehicle, they turned on the patrol car's lights and sounded their siren. But the Vehicle did not stop moving and continued to attempt to turn. The Officers were able to swerve in front of the Vehicle to stop its movement. The Officers exited the Vehicle, with PO-1 approaching the passenger side and PO-2 approaching the driver side.

e. PO-1 approached the Vehicle and opened the front passenger door. A firearm (the "Firearm") immediately fell out of the Vehicle's door and hit the pavement. The Officers

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<sup>1</sup> Based on my training, experience, and conversations with other law enforcement officers, I understand that the Shot Spotter system alerts NYPD officers to gunshots fired in New York City as those shots are fired. A system of receivers across the city can detect those gunshots, identify the location of those gunshots, and relay that information to NYPD officers in essentially real time.

removed BARETT and the other two individuals from the Vehicle and placed them under arrest.

f. In the NYPD vehicle transporting BARETT to the police precinct, he stated, in sum and substance: "So the U.S. Marshals gonna come pick me up. . . . I'm federal. Telling you straight up. Once I get to the boat, U.S. Marshals gonna come pick me up a week later, take me to MDC, Brooklyn."

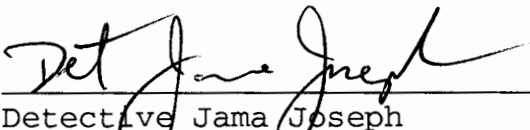
4. NYPD Officers later canvassed the scene and recovered ammunition from the area of the Shot Spotter alert.

5. Based on my review of an NYPD Firearm Examination Report, I have learned that the Firearm is a loaded 9 millimeter Colt semiautomatic pistol and that the ammunition recovered from the scene of the arrest was fired by the Firearm.

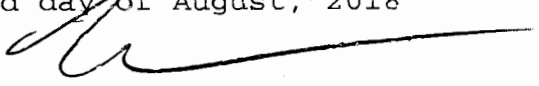
6. Based on my training and experience, and my review of a nexus report prepared by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, I know that the Firearm was not manufactured in New York State.

7. Based on my review of criminal history records pertaining to MARCOS BARETT, the defendant, I have learned that on or about March 18, 2016, in the United States District Court for the Southern District of New York, BARETT, was convicted of conspiracy to commit Hobbs Act Robbery, in violation of Title 18, United States Code, Section 1951, and sentenced to 16 months' imprisonment and three years' supervised release.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of MARCOS BARETT, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

  
\_\_\_\_\_  
Detective Jama Joseph  
New York City Police Department

Sworn to before me this  
22nd day of August, 2018

  
\_\_\_\_\_  
THE HONORABLE ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK